

EXHIBIT 2

**FILED UNDER SEAL PURSUANT
TO PROTECTIVE ORDER**

1 IN THE UNITED STATES DISTRICT COURT

2 MIDDLE DISTRICT OF FLORIDA

3 TAMPA DIVISION

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5 REBOTIX REPAIR LLC,

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6 Plaintiff,

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7 vs.

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No. 8:20-CV-02274

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8 INTUITIVE SURGICAL, INC.,

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Defendant.

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HIGHLY CONFIDENTIAL

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REMOTE DEPOSITION OF GLENN VAVOSO

15

May 14, 2021

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22 Job No. 194104

23 Stenographically reported by:

24 LAURA AXELSEN, CSR NO. 6173

25 RMR, CCRR, CRR, CRC

1 Q. There can be some -- some Potts scissors,
2 right?

3 A. Potts scissors would be another.

4 Q. Those would all be different types of
5 EndoWrists that attach to the Intuitive surgical
6 robot; is that right?

7 A. Yes.

8 Q. And those EndoWrists are sold separately
9 from the da Vinci surgical robot; is that right?

10 A. As separately, meaning -- can you define
11 that?

12 Q. Well, sure. If a customer wants to operate
13 a da Vinci surgical system, that customer first has
14 to purchase the da Vinci surgical robot, right?

15 MS. LENT: Objection.

16 THE WITNESS: The -- the customer does
17 purchase the system, uhm, and then the agreement
18 part of that purchase includes instruments or
19 accessories.

20 MR. ERWIG: Q. The customer has to
21 purchase instruments and accessories separately from
22 the actual da Vinci robot, right?

23 MS. LENT: Objection.

24 THE WITNESS: Over time, after they've made
25 the initial da Vinci purchase, they're -- ongoing

1 they're purchasing instruments to be used with the
2 system.

3 MR. ERWIG: Q. So the purchase of those
4 ongoing instruments, you're not buying an additional
5 robot each time, right? You're just buying new
6 EndoWrists for the robot that you already own; is
7 that right?

8 A. You're not buying a robot each time,
9 correct.

10 Q. Does Intuitive make profits from the sale
11 of its da Vinci surgical robots?

12 A. Yes.

13 Q. About how much is Intuitive's profit for
14 da Vinci robots sold?

15 A. It can vary depending on what is purchased,
16 what kind of system is purchased. Variety of
17 factors go into what would be -- what would be the
18 profit on a sale.

19 Q. Well, let's -- let's break it down. For
20 the da Vinci SI, what's the general profit on a --
21 the sale of a da Vinci SI system to a hospital, for
22 example?

23 A. Profit as measured by what measure?

24 Q. Well, the cost of goods to make the
25 da Vinci robot and the sale price of the da Vinci

1 [REDACTED]

2 [REDACTED]

3 A. [REDACTED]

4 Q. [REDACTED]

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6 A. [REDACTED]

7 Q. [REDACTED]

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9 [REDACTED]

10 A. [REDACTED]

11 Q. [REDACTED]

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15 A. [REDACTED]

16 Q. [REDACTED]

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18 A. [REDACTED]

19 Q. [REDACTED]

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7 A. [REDACTED]

8 Q. [REDACTED]

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24 A. [REDACTED]

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1 Q. [REDACTED]

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14 A. [REDACTED]

15 Q. [REDACTED]

16 [REDACTED]

17 MS. LENT: [REDACTED]

18 THE WITNESS: [REDACTED]

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20 [REDACTED]

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22 [REDACTED]

23 [REDACTED]

24 MR. ERWIG: Q. [REDACTED]

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6 [REDACTED]

7 Q. [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 A. [REDACTED]

11 Q. [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 A. [REDACTED]

19 Q. [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 A. [REDACTED]

24 Q. [REDACTED]

25 [REDACTED]

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 A. [REDACTED]

5 [REDACTED]

6 Q. [REDACTED]

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8 A. [REDACTED]

9 Q. [REDACTED]

10 [REDACTED]

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12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 A. [REDACTED]

17 MS. LENT: [REDACTED]

18 MR. ERWIG: Q. [REDACTED]

19 [REDACTED]

20 [REDACTED]

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22 A. [REDACTED]

23 Q. [REDACTED]

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2 A. [REDACTED]

3 Q. [REDACTED]

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7 A. [REDACTED]

8 Q. [REDACTED]

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10 A. [REDACTED]

11 Q. [REDACTED]

12 [REDACTED]

13 A. [REDACTED]

14 Q. [REDACTED]

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16 [REDACTED]

17 A. [REDACTED]

18 [REDACTED]

19 Q. [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 A. [REDACTED]

23 Q. [REDACTED]

24 A. [REDACTED]

25 Q. [REDACTED]

1 an RMA. And then our -- our RMA team will look at
2 that and understand why did the instrument fail.

3 MR. ERWIG: Q. And when the team is
4 looking at that RMA'd instrument, is there any
5 testing conducted as to whether that instrument can
6 be repaired or refurbished?

7 A. We don't repair or refurbish. So we
8 wouldn't do that --

9 Q. Has Intuitive --

10 A. -- in the course of that process.

11 Q. Sorry. I didn't mean to cut off.

12 A. I said we wouldn't do that in the course of
13 that process.

14 Q. Has Intuitive ever considered repairing or
15 refurbishing used EndoWrists?

16 A. I don't know if that has been contemplated.

17 Q. One of the things I want to ask you about,
18 turning back to the document, when an EndoWrists use
19 counter is up, Intuitive wants the customer to
20 dispose of that EndoWrist and purchase a new one
21 from Intuitive, true?

22 A. That we want them to? What does that mean
23 we want them to?

24 Q. Well, the agreement says that's what the
25 customer has to do, right, to comply with the sales

1 agreement, right?

2 MS. LENT: Objection.

3 THE WITNESS: The customers replenish their
4 stock as they use up the instrument.

5 MR. ERWIG: Q. By replenish their stock,
6 you mean they throw away EndoWrist whose use
7 counters have expired and they buy new EndoWrists
8 from Intuitive, right?

9 A. Yes.

10 Q. And paragraph 8 of this contract, that's
11 establishing that hospitals are not prohibited to do
12 anything other than that -- well, withdrawn. Let me
13 ask a better question -- withdrawn.

14 Paragraph 8 of this sales agreement does
15 not allow customers to take any other action than
16 the one we just talked about, right?

17 MS. LENT: Objection.

18 THE WITNESS: Any -- any other action is
19 pretty broad.

20 MR. ERWIG: Q. Let me narrow it down.
21 When a customer's EndoWrist reaches its number of
22 uses that Intuitive has set, under the terms of this
23 agreement, the customer is required to throw that
24 EndoWrist away, right?

25 A. They're required to dispose of it

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MS. LENT:

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THE WITNESS:

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MR. ERWIG: Q.

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MR. ERWIG:

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(EXHIBIT 25 WAS MARKED FOR IDENTIFICATION.)

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MR. ERWIG: Q.

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3 [REDACTED] [REDACTED]

4 A. [REDACTED] [REDACTED]

5 Q. [REDACTED] [REDACTED]

6 [REDACTED] [REDACTED]

7 [REDACTED] [REDACTED]

8 A. [REDACTED]

9 Q. [REDACTED]

10 [REDACTED] [REDACTED]

11 A. [REDACTED]

12 Q. [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 A. [REDACTED]

16 Q. [REDACTED]

17 [REDACTED] [REDACTED]

18 [REDACTED]

19 A. [REDACTED]

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21 [REDACTED]

22 Q. [REDACTED]

23 [REDACTED] [REDACTED]

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1 Q. [REDACTED] [REDACTED]
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9 A. [REDACTED]
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13 A. [REDACTED]
14 Q. [REDACTED]
15 [REDACTED] [REDACTED] [REDACTED] [REDACTED]
16 [REDACTED]
17 A. [REDACTED]
18 Q. [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED] [REDACTED]
22 A. [REDACTED]
23 Q. [REDACTED] [REDACTED]
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11 MS. LENT: [REDACTED]

12 THE WITNESS: [REDACTED]

13 MR. ERWIG: Q. [REDACTED]

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7 A. [REDACTED]

8 Q. [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 MS. LENT: [REDACTED]

12 THE WITNESS: [REDACTED]

13 MR. ERWIG: Q. [REDACTED]

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MS. LENT:

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THE WITNESS:

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MR. ERWIG:

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MR. ERWIG: Q.

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MS. LENT:

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THE WITNESS:

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2 [REDACTED] [REDACTED] [REDACTED] --
3 [REDACTED]

4 MR. ERWIG: Q. [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED] [REDACTED]

8 A. [REDACTED]
9 [REDACTED]

10 Q. [REDACTED]
11 [REDACTED]
12 [REDACTED] [REDACTED]

13 MS. LENT: [REDACTED]

14 THE WITNESS: [REDACTED]

15 MR. ERWIG: Q. [REDACTED]

16 [REDACTED] [REDACTED]
17 [REDACTED] [REDACTED]

18 MS. LENT: [REDACTED]

19 THE WITNESS: [REDACTED]

20 MR. ERWIG: [REDACTED]

21 [REDACTED] [REDACTED]

22 (EXHIBIT 26 WAS MARKED FOR IDENTIFICATION.)

23 MR. ERWIG: Q. [REDACTED]

24 [REDACTED]

25 [REDACTED] [REDACTED] [REDACTED]